

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 20-24

PROCEDURAL HISTORY

On February 13, 2020, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the Federal Way School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student's education.

On February 13, 2020, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District Superintendent on February 14, 2020. OSPI asked the District to respond to the allegations made in the complaint.

On March 6, 2020, the District request an extension of the timeline to respond. OSPI approved the request to extend the timeline to March 13, 2020.

On March 13, 2020, OSPI received the District's response to the complaint and forwarded it to the Parent on March 18, 2020. OSPI invited the Parent to reply. The Parent did not reply.

On March 16, 2020, OSPI conducted a phone interview with the Parent to clarify the allegations.

On March 17, 2020, OSPI requested additional information from the Parent. The Parent did not reply.

OSPI considered all of the information provided by the Parent and the District as part of its investigation.

ISSUES

1. Did the District consider the Parent's medical information when determining whether the Student required a one-to-one paraeducator at the January 15, 2020 individualized education program (IEP) meeting?¹
2. Did the District implement the accommodations provided in the Student's IEP during the 2019-2020 school year?

LEGAL STANDARDS

When investigating an alleged violation, OSPI must identify the legal standard that the District is required to follow and determine whether the District met that legal standard. OSPI reviews the documentation received from a complainant and district to determine whether there is enough

¹ The Parent later clarified to OSPI that the meeting in dispute was the August 29, 2019 IEP meeting, not the January 15, 2020 meeting. OSPI still considered the District's actions after the August 29, 2019 meeting regarding the Parent's request for one-to-one paraeducator.

evidence to support a violation. If there was a violation, there will be corrective action to correct the violation and maintain compliance.

Parent Participation in IEP Meetings: Parents of a child with a disability will participate with school personnel, in developing, reviewing, and revising the student's individualized education program (IEP). This is an active role in which the parents: provide critical information regarding the strengths of their child, and express their concerns for enhancing their child's educational program; participate in discussions about their child's need for special education, related services, and supplementary aids and services; and join with other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting. The IEP team works towards consensus on IEP content, but if team member are unable to reach consensus, it remains the district's responsibility to ensure that the IEP includes special education and related services that are necessary to provide the student with a free appropriate public education (FAPE). An IEP may therefore be properly developed under the IDEA procedural requirements, yet still not provide the student all of the services that the parent believes are necessary components of the student's educational program. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 5).

IEP Must State Amount of Services: An IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student. An IEP must also include a statement of the program modifications or supports for school personnel that will be provided to enable the student: to advance appropriately toward attaining the annual IEP goals; to be involved and progress in the general curriculum in accordance with present levels of educational performance and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in the above activities. 34 CFR §300.320(a)(4); WAC 392-172A-03090(1)(d).

Prior Written Notice: Prior written notice ensures that the parent is aware of the decisions a district has made regarding evaluation and other matters affecting placement or implementation of the IEP. It documents that full consideration has been given to input provided regarding the student's educational needs, and it clarifies that a decision has been made. The prior written notice should document any disagreement with the parent, and should clearly describe what the district proposes or refuses to initiate. It also includes a statement that the parent has procedural safeguards so that if they wish to do so, they can follow procedures to resolve the conflict. Prior written notice is not an invitation to a meeting. Prior written notice must be given to the parent within a reasonable time before the district initiates or refuses to initiate a proposed change to the student's identification, evaluation, educational placement or the provision of a free appropriate public education. It must explain why the district proposes or refuses to take action. It must describe any other options the district considered, and it must explain its reasons for rejecting those options. 34 CFR 300.503; WAC 392-172A-05010.

IEP Implementation: Each school district must ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other

service provider who is responsible for its implementation. 34 CFR §300.323; WAC 392-172A-03105(3)(a). It must also ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. 34 CFR §300.323; WAC 392-172A-03105. "When a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a disabled child and those required by the IEP." *Baker v. Van Duyn*, 502 F. 3d 811 (9th Cir. 2007).

FINDINGS OF FACT

2018-2019 School Year

1. At the start of the 2018-2019 school year, the Student qualified for special education services under the category of other health impairment, was in the first grade, and attended a District elementary school.
2. In March, April, and May 2019, a local children's hospital evaluated the Student. The May 2019 report stated the current concerns were "social communication, learning, and behavior across home, school community settings." The Student was diagnosed with Autism spectrum disorder without intellectual disability or language impairment. The report stated, "...Right now, his general education teacher and family rate him with significant executive functioning and behavioral regulation challenges, that are better managed in the context of his special education setting where [Student] has had the benefit of multifaceted interventions, including 1:1 educational supports..." The report provided the following classroom recommendations, in relevant part, based on assessments conducted by medical personnel and input from the Parent, the Student's general education teacher, and the special education teacher:
 - Peer modeling program.
 - Provide [Student] with a choice to complete classroom work 1:1 and in smaller groups to minimize distractions and increase his focus and attention to task.
 - Prompt [Student] with strategies for appropriate initiation of social interactions.
 - Provide [Student] with a "calm down" space in the classroom for moments when he becomes dysregulated. Sensory breaks in-between sedentary learning activities may also be helpful in managing [Student's] over activity in the classroom.
 - Provide [Student] with one-on-one support as much as possible given the resources available at school. [Student] should be offered appropriate reading level. Materials to maintain his interest and develop his reading strengths.
 - Use multiple modalities for learning to enhance [Student's] ability to encode information.
 - A functional behavioral assessment and behavior plan.
 - Applied behavior analysis (ABA) therapy.²
 - Regular check-ins between the [Parent], school, and private providers.
 - A speech and language assessment by the District.
 - Continued occupational therapy.

² The report stated, "ABA is accessed through your Apple-Health Medicaid insurance plan..." which seemed to indicate that the report was encouraging the Parent to seek private ABA services.

August 2019

3. On August 29, 2019, just prior to the start of the 2019-2020 school year, the Parent provided the District with a letter from the Student's private occupational therapist, recommending several interventions for the individualized education program (IEP) team to consider as well as "strategies to avoid." The report strongly recommended the District provide the Student a one-to-one paraeducator who was trained in ABA. The occupational therapist's recommendations were based on clinical observation, Parent input, a review of the Student's sensory profile, a consultation with a psychologist, and a review of the Student's current behavioral intervention plan (BIP). The report did not indicate whether the therapist had previously consulted with District staff or observed the Student at school at the time of the report.
4. Also, on August 29, 2019, the District held an IEP meeting to review the children's hospital evaluation report and the recommendation for the services of a one-to-one paraeducator made by the private occupational therapist. The team reviewed the Student's IEP and BIP. Based on the evaluation, the Student's eligibility category was changed from other health impairment to autism.
5. According to the complaint, at the August 29, 2019 meeting, the Parent provided the team with the medical professionals' recommendations for a one-to-one paraeducator for the Student. According to the Parent, the District denied the Parent's request because it would be "detrimental for my child." The complaint stated the Student's second grade teacher expressed concern at the IEP meeting about her ability to implement the IEP's accommodations "without assistance."
6. The District's response to the complaint gave the following explanation for denying the request for a one-to-one paraeducator for the Student:

This meeting was held to review the results of an outside evaluation completed by [hospital] and recommendations provided by the Student's outside Occupational Service provider. The team also reviewed the Student's current IEP and Behavior Intervention Plan (BIP). An amendment was made to the Student's current IEP to include new accommodations and a re-evaluation was initiated based on medical documentation provided. Changes to the IEP and BIP included providing clear expectations regarding participation using a whiteboard for short term order of activities; teach and reinforce use of a sensory bin; raising hand to share; the use of social mapping; verbal praise when on task; school reinforcement tickets...and stars on star chart to reinforce prosocial behaviors; honor break requests or requests for alternative activities; 2 minute transition warnings; prompts to take a break; follow through on contingencies; verbal redirection to work; use of a visual timer and reminder of schedule. At that time the team did not feel there was sufficient evidence that the Student required a one-to-one paraeducator as a related service but that the need could be revisited at the re-evaluation meeting. Both the special education teacher and the school psychologist visited the general education classroom regularly to provide coaching and support to the general education teacher to implement accommodations and changes to the Behavior Intervention Plan (BIP).

7. The Student's August 2019 IEP amendment provided for social/emotional/behavior goals and the following specially designed instruction:
 - Social/Emotional/Behavioral: 20 minutes, 5 times weekly (provided by a special education teacher in a special education setting)
 - Social/Emotional/Behavioral: 20 minutes, 5 times weekly (provided by a special education teacher in a special education setting)
 - Social/Emotional/Behavioral: 30 minutes, 2 times weekly (provided by a special education teacher in a general education setting)

No supplemental aides and services or supports for school personnel were required. The IEP provided thirty-eight "curricular adaptations" in the areas of assignments, method of response, environment, behavioral cues, curriculum, instructional strategies, and testing situations.

2019-2020 School Year

8. At the start of the 2019-2020 school year, the Student qualified for special education under the category of autism, was in the second grade, and attended a District elementary school.
9. The District's first day of school was September 3, 2019.
10. The prior written notice, dated September 4, 2019, stated the following regarding the IEP team's discussion about the medical recommendations for a one-to-one paraeducator at the August 29, 2019 meeting:
 - District was proposing to initiate the services on the IEP.
 - The justification for the proposal was that the Student needed the services.
 - The IEP team reviewed the following data: feedback from staff, [Agency] Wrap Around, and private occupational therapy.
 - Other options considered and rejected were not providing special education to the Student.
 - Other relevant factors were to amend the accommodations in the Student's IEP.
11. On September 14, 2019, the Parent emailed the school staff and the wrap around agency. The email stated, "there were only eight small modifications between [Student's] previous and current IEP. These modifications did not substantially address the modifications listed by [Student's] Specialists or what was discussed during [Student's] meeting..." The Parent expressed concerns that timers, charts, and passes had not yet been implemented, the Student was not socializing with same-age peers, and the Student needed "more extensive one-on-one" support.³
12. On September 16, 2019, the school psychologist replied to the Parent's September 14, 2019 email:

...In terms of accommodations, I did a quick check and it looks like between the 'accommodations' page and the 'antecedent strategies' in his behavior intervention plan, all of the items are included with the exception of the 1:1 para trained in ABA. Please let

³ OSPI requested more information from the Parent about what accommodations were not implemented and when, but the Parent did not reply.

[special education teacher] and I know specifically what other accommodations you feel are not included that should be and we can definitely discuss them at our next meeting...

The email further described in detail how the accommodations were being implemented in the classroom, including sensory tools, Velcro, visual time, personal whiteboard, break pass, and others.

13. In the District's response to the complaint, the District stated staff were informed of all the Student's accommodations and implemented them. The general education teacher attended the Student's IEP and evaluation meetings that discussed the accommodations and BIP. The Student's teachers were given copies of the IEP and BIP after each meeting. The school psychologist regularly observed the classroom and the assistant principal provided on-going support to the classroom teacher. The District also provided "fidelity" data that monitored the implementation of the interventions.
14. On September 19, 2019, a disciplinary incident report stated the Student was disciplined for physical contact/aggression.
15. On September 20, 2019, according to an email from the school psychologist to the general education teacher, the District developed a data collection form for behavior to monitor the Student's behavior.
16. On September 24, 2019, the Student's general education teacher emailed the principal and assistant principal, requesting a multi-tiered system of support (MTSS) meeting to address the Student's behavior difficulties, along with other students in the classroom.
17. In October 2019, the District conducted a reevaluation that consisted of a review of exiting data collected from the District and the children's hospital evaluation. The evaluation summary stated the Student had difficulty with flexible thinking and perspective taking, emotion and behavior regulation, and positive peer interactions. The reevaluation recommended thirty accommodations for the Student in the areas of environment, instruction, method of response, curriculum, assignments, and behavioral cues. In addition, the reevaluation stated, "The Student is in need of supplemental aides and services at this time." No supplement aids or services were listed.
18. On October 7, 2019, a disciplinary incident report stated the Student was disciplined for physical contact/aggression.
19. On October 9, 2019, the IEP team met to review the evaluation and the Student's IEP. The October 2019 IEP (effective from October 14, 2019 to October 9, 2020) stated the Student's disability had an adverse impact on his ability to sustain attention, regulate emotions and behaviors, and demonstrate appropriate social skills. Included in the "Special Factors for IEP Development" section, the IEP stated the Student exhibited behavior that impeded his learning or the learning of others. The IEP explained:
 - Need of routines, notice of changes in routine, personal space, bends color for green, blue, or ready for time outs, set time to be away, sensitive to loud noise, chart or bend to use

only during transitions, sensory tools, he parallel plays and choses comfort level to let other people in. There is an FBA [functional behavior assessment] and BIP plan in place for this student.

The IEP provided a social/emotional/behavior annual goal and the following specially designed instruction and related service:

- Social emotional/behavioral: 30 minutes, 5 times weekly (provided by the special education teacher in a special education setting)
- Social emotional/behavior: 20 minutes, 2 times weekly (provided by a special education teacher in a general education setting)
- Communication: 20 minutes, once a month (provided by a speech/language pathologist in a special education setting)

The Student's IEP provided for thirty "curricular adaptations" that included, among others, behavior modification techniques, creating routines, using timers and visual warning about transitions. The IEP also provided the services of a speech/language therapist as a supplemental aid and service to provide "environmental support, staff training, material creation, collaboration with teacher, observations, etc."

20. The FBA, dated October 9, 2019, stated the Student was diagnosed with attention deficit/hyperactive disorder (ADHD) and a sensory processing disorder at age five and was then diagnosed with Autism spectrum disorder in May 2019. The top three target behaviors were off-task behavior, disruptive behavior, and elopement, which were due to primarily task and situation avoidance.

21. The October 2019 BIP identified the following strategies to address the target behaviors:

Antecedent Strategies

- Small group instruction
- Separate work area
- Sensory bin available
- Alternative seating available
- Visual schedule
- Informing Student of changes
- Reminders of rewards when work complete
- Clear expectations
- Reminders for asking for breaks
- Verbal prompts for transitions
- Visual timer

Teaching Strategies

- Asking for breaks
- Asking for sensory bin
- Raising his hand
- Social behavior mapping

Consequence Strategies

- Verbal redirection
- Show timer and remind of schedule
- Prompt to take break
- Give two minutes then present transition again

22. A prior written notice, dated October 7, 2019, stated, in part:⁴

⁴ It is not clear if the October 7, 2019 date was a misprint or whether the notice was written on that date, prior to the October 9 meeting.

The IEP team has determined that [Student] requires the services listed on the attached IEP. The IEP team concluded that the following changes to the IEP services and provisions were needed: updated goals, new service area (communication), service times changed, and adaptations updated...

23. According to the District's response to the complaint, soon after the October 9, 2019 IEP meeting, the "building requested a temporary 'emergency support request' [paraeducator] for the general education teacher's classroom. This is a district process that occurs outside of the IEP team and is used to support teachers and students temporarily..." The District's response characterized this as a general request for classroom support, not a request for a one-to-one for the Student.
24. On October 15, 2019, the assistant principal emailed the Student's general education and special education teachers. The email stated:

Student Support Services and the Superintendent's office have reviewed the request for a 6 week paraeducator intervention for [Student]. Prior to moving forward, The Supe [Superintendent] is asking for:

'In order to support this, I will want to see a few specific commitments outlined of supports/techniques/systems that will be implemented in the classroom to support this scholar-and how this will be monitored and supported, with a time frame for implementation (check in-check out, behavior chart, reward system, and other techniques). I know we need to support this scholar, but I also want to be certain that Tier 1 and Tier 2 practices are being implemented in the classroom to provide support to the scholar.'

Given this response, how can we support you in ensuring Tier 1 and Tier 2 recommendations already made have been fully implemented?
- The email provided the teacher with suggestions for evidence of implementation that included a behavior chart, visual schedule, and reward system with documentation, among others.
25. On October 15, 2019, a disciplinary incident report stated the Student was disciplined for failing to cooperate.
26. On October 16, 2019, the school psychologist emailed the Parent, the general education teacher, and the private occupational therapist. The email, in part, stated, "...We did hear from district office and they have approved our request for a 6-week 1:1 pending making some adjustments to the classroom environment."
27. On the same day, October 16, 2019, a disciplinary incident report stated the Student was disciplined for "scholar/student expression."
28. On October 23, 2019, the Student's private occupational therapist observed the Student in the classroom. On the same day, the therapist emailed the school psychologist visuals for a classroom schedule and suggested adding 3-4 sensory breaks. The email stated the therapist "loved the movement breaks that you use in your classroom!" The school psychologist replied that the Student's schedule had been made and posted by the Student's desk, and had four

sensory breaks. The therapist acknowledged that she saw the schedule with breaks after the initial email.

29. On October 28, 2019, a disciplinary incident report stated the Student was disciplined for disruptive conduct.
30. On November 1, 2019, the school psychologist emailed the Parent, stating:
...The position for [Student's] 1:1 has been posted but has not yet been filled by anyone. When someone does pick it up, we are actually planning to have [paraeducator] serve as his 1:1 since she already knows [Student] and then have the sub fill [paraeducator's] position in the resource room (if that makes sense). We have all the materials prepped for the 1:1 position and are ready to go as soon as we can get someone to fill it!
31. On November 20, 2019, the school psychologist emailed the Parent, stating:
We have good news that a behavior technician has been assigned to [Student]. She came in today (but obviously he was absent). We went over the plan with her and she seems very competent and willing to implement. Her name is [behavior technician] and she works through a behavior health agency...She has said that she intends to stay for the 6 week assignment. Just keep in mind that this could possibly change at the discretion of the agency.
32. On January 8, 2020, a disciplinary incident report stated the Student was disciplined for disruptive conduct.
33. On January 15, 2020, the District held a meeting that included District staff, the Parent, and the wrap around service agency. The Parent and District had different accounts of the meeting: the District stated it was a "wrap-around meeting" and the Parent believed it to be an IEP meeting. No documentation was provided that would indicate what the meeting was, including no meeting notice, prior written notice, or meeting notes, other than an email, dated January 17, 2020, from the special education teacher to the assistant principal and other staff that stated "we had a wrap around meeting" for the Student on January 15, 2020.

Regarding the substance of the meeting, the Parent stated she was told the District was not going to continue with the Student's paraeducator. The District stated the Parent was told that the "emergency support request" would end on January 22, 2020. The documentation provided by the District did not indicate whether the emergency support ended on January 22, 2020.
34. On January 28, 2020, a disciplinary incident report stated the Student was disciplined for physical contact/aggression.
35. On January 30, 2020, two disciplinary incident reports stated the Student was disciplined for dangerous behavior and physical contact/aggression.
36. The Student's special education progress report, dated January 31, 2020, stated the following:

Goal	Baseline (October 14, 2019)	Present Level (January 31, 2020)
Stating needs 4 out of 5 trials	3 out of 5 trials	4 out of 5 trials
Raising hand 4 out of 5 trials	2 out of 5 trials	3 out of 5 trials

37. On February 3, 2020, two disciplinary incident reports stated the Student was disciplined both for physical contact/aggression.
38. On February 7, 2020, according to the District’s response, a wrap around meeting was held for the Student to review behavior data. The District determined an IEP meeting was necessary to “determine the need for additional support in the Student’s IEP.”
39. On February 13, 2020, the Parent filed this complaint.
40. On February 21, 2020, the District held an IEP meeting. The IEP team determined the Student needed the services of a one-to-one paraeducator.

CONCLUSIONS

Issue 1: Consideration of Medical Evaluation – The complaint alleged the District did not consider the recommendations of the May 2019 children’s hospital evaluation and the August 2019 report from the private occupational therapist, recommending the Student receive the services of a one-to-one paraeducator at the August 2019 individualized education program (IEP) meeting. The District denied the allegation.

A district is required to consider input from parents, including private evaluations, when determining a student’s special education and related services needs. Ultimately, a district has the responsibility to ensure that a student receives a free appropriate public education (FAPE). This means a district is not required to implement any and all recommendations from private providers if the recommendations are not required for a FAPE. This means a district may properly develop an IEP, yet still not provide a student with all the services a parent believes are necessary. But a district is required to provide the parent with prior written notice, explaining the reasons why the recommendations were refused.

Here, in August 2019, the Student’s IEP team discussed the recommendations from the children’s hospital evaluation and the private occupational therapist for the Student to have a one-to-one paraeducator. According to the District, there was insufficient data at that time to support the recommendation and the IEP team refused the recommendation, but left the possibility open if the need arose. The recommendations by the medical professionals for the one-to-one paraeducator may have been clinically desirable, but there was no school data to support the decision since the school year had not yet started. The private occupational therapist eventually observed the Student in October 2019 and did not express any concern that might have required a one-to-one paraeducator. Based on the documentation, the District’s decision to refuse a one-to-one paraeducator for the Student in August 2019 was consistent with the Student’s needs and abilities at the time. OSPI finds no violation based on the District’s consideration of the medical information.

Once the refusal was made, the District was required to provide the Parent with prior written notice. Prior written notice is more than a perfunctory compliance requirement: The notice is to inform the Parent of the District's decision and the rationale for the decision. The notice also has historical value in cases like this when a decision is later reviewed. The September prior written notice to the Parent did not address the refusal to provide the Student with one-to-one paraeducator. The notice should have addressed the refusal, the rationale, and the other information required. Although the District's decision to refuse the one-to-one paraeducator was reasonably supported, the District failed to provide the Parent with proper notice of the refusal. A violation is found based on the failure to properly provide prior written notice. The District will be required to provide training on the purpose and content of prior written notice to a parent.

In October 2019, the school requested a paraeducator for the Student for six weeks from the District student support office and the request was approved around October 16, 2019. In addition to approving the paraeducator, the student support office wanted assurances that other interventions were being provided with fidelity. There was a delay in finding a paraeducator to work with the Student until November 21, 2019, when the new paraeducator was assigned. In January 2020, at the end of the six-week period, the District informed the Parent that the "emergency support request" in the form of a one-to-one paraeducator for the Student would end. During two later wrap around meetings, the District determined that an IEP meeting was needed to address the need for additional support. On February 21, 2020, the Student's IEP team met and determined the Student required a one-to-one paraeducator.

Although, according to the District response, the intent behind the paraeducator request may have been to provide support to the teacher and general classroom; the October 2019 email and later emails referred to the paraeducator as the Student's paraeducator or Student's one-to-one. Since the documentation referred to the paraeducator as the "Student's paraeducator," the Student's IEP team should have addressed the Student's need for the paraeducator, not the District student support services office. Had the documentation been clearer that the purpose of the paraeducator was a general support for teacher and classroom and not a one-to-one paraeducator for the Student, a staffing decision through the student support services office would have been appropriate. Here, however, it appears the District made a decision about support for the Student outside the IEP team and without amending the Student's IEP. While this was a well-intentioned move to provide the Student support, procedurally, the Student's IEP team should have met prior to the six-week paraeducator trial. Thus, OSPI finds a violation. The District will be required to provide training on IEP team decisions regarding the services of a paraeducator when it is based on the unique needs of an individual student. In February 2020, the Student's IEP team met and decided the Student required a one-to-one paraeducator; thus, no Student specific corrective action is required.

Issue 2: Implementation of Accommodations – The complaint alleged the District failed to implement the accommodations on the Student's IEP. A district must ensure that each service provider is informed of their specific responsibilities under the IEP and implement the IEP as written. The District denied the allegation.

Here, the August 2019 IEP provided thirty-eight “curricular adaptations” in the areas of assignments, method of response, environment, behavioral cues, curriculum, instructional strategies, and testing situations. In addition, the Student had a behavioral intervention plan (BIP) that included several supports, strategies, and interventions to address behavior problems. In September 2019, the Parent expressed concern that some of the recommended accommodations from the medical professionals were not being implemented, along with others on the Student’s IEP. These included timers, charts, and behavior passes. There were also indications from the general education teacher that thirty-eight accommodations were difficult to implement without assistance.

After the Parent raised concerns, the school psychologist explained to the Parent all the recommendations from medical professionals were included in the Student’s IEP and BIP and were being implemented – except for the one-on-one paraeducator. In addition, the District stated in the response that all service providers were informed of their responsibilities under the Student’s IEP, including the accommodations which were implemented. The school psychologist and assistant principal were actively involved in the Student’s general education classroom and facilitated implementation along with collecting data on the interventions. The Student’s progress reports demonstrated the Student was making progress toward his annual goals, which was an indication that generally, services and accommodations were being implemented. OSPI requested the Parent provide more information about the allegation, including what modifications she thought were not provided and when. The Parent did not provide any further information. Based on the documentation, OSPI finds the District provided the Student’s accommodations and finds no violation.

CORRECTIVE ACTIONS

By or before **September 11, 2020** and **October 9, 2020**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

Written Guidance for Paraeducator

By **September 25, 2020**, the District will provide written guidance to the Student’s 2019-2020 IEP team and District support services office, clarifying the responsibility of the IEP team to make decisions regarding paraeducator services for individual students with disabilities. By **September 11, 2020**, the District will provide a draft to OSPI. The written guidance must be approved by OSPI. By **October 9, 2020**, the District will provide written verification that the written guidance was provided to the Student’s IEP team and the District support services office.

Prior Written Notice Training

By or before **September 25, 2020**, the District special education administrators and the members of the Student’s 2019-2020 IEP team will complete training on prior written notices through either

a training module or a District created training plan. The training module has been developed by OSPI Special Education Division and eLearning for Educators in Canvas, an online learning management system. OSPI will send you additional information regarding how to access and the complete the module, should the District elect to use this option. The District has the option of using the OSPI training module or the District, in collaboration with the Educational Service District, will provide the training.

By **September 11, 2020**, the District will notify OSPI of the plan to train the staff. At that time, if the District is not opting to use the training module, a timeline for the training plan will be developed.

By or before **October 9, 2020**, the District will submit documentation that required staff have completed training.

The District will submit a completed copy of the Corrective Action Plan (CAP) Matrix documenting the specific actions it has taken to address the violations and will attach any other supporting documents or required information.

Dated this ___ day of April, 2020.

Glenna Gallo, M.S., M.B.A.
Assistant Superintendent
Special Education
PO BOX 47200
Olympia, WA 98504-7200

THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS COMPLAINT

IDEA provides mechanisms for resolution of disputes affecting the rights of special education students. This decision may not be appealed. However, parents (or adult students) and school districts may raise any matter addressed in this decision that pertains to the identification, evaluation, placement, or provision of FAPE to a student in a due process hearing. Decisions issued in due process hearings may be appealed. Statutes of limitations apply to due process hearings. Parties should consult legal counsel for more information about filing a due process hearing. Parents (or adult students) and districts may also use the mediation process to resolve disputes. The state regulations addressing mediation and due process hearings are found at WAC 392-172A-05060 through 05075 (mediation) and WAC 392-172A-05080 through 05125 (due process hearings.)